

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT COURT OF RHODE ISLAND**

FILED
2013 JUL 25 P 2:55
U.S. DISTRICT COURT
DISTRICT OF RHODE ISLAND

IRVIN J. ALCINDOR
Plaintiff

VS.

DKT. NO.

WELLS FARGO HOME MORTGAGE
Defendant

CA 13 - 559

And AMERICA'S SERVICING COMPANY
Defendant

VERIFIED COMPLAINT

1. The Plaintiff, Irvin J. Alcindor, is a resident of Pawtucket, Rhode Island.
2. The Defendant, Wells Fargo Home Mortgage (WFHM) upon information and belief, is a registered Foreign Business Corporation, duly register and organized with the State of Rhode Island.
3. The Defendant, America's Servicing Company (ASC) upon information and belief, is a registered Foreign Business Corporation, duly registered and organized with the State of Rhode Island.
4. The Plaintiff is the owner of the certain improved real estate known as 160 North Bend Street, Pawtucket, Rhode Island (hereinafter referred to as the "subject property").
5. The Defendant is in the process of Foreclosing on the Plaintiffs Mortgage.
6. The Defendant has no standing to foreclose on the subject property.
7. The Plaintiff's property will be foreclosed on or sometime there about July 26, 2013 at 1:00 pm.
8. The Plaintiff will suffer irreparable harm, damage, and injury if the Defendant is not enjoined and restrained from conducting the foreclosure.

9. The Plaintiff has no adequate remedy at law.
10. The equities of the controversy militate in favor of the Plaintiff.
11. There is a reasonable likelihood that the Plaintiff will be successful on the merits of this matter.

WHEREFORE, the Plaintiff prays for the following relief:

- A. That a temporary restraining order be issued to restrain the Defendant, its servants and employees, from foreclosing on the subject property; and
- B. Grant the Plaintiff such other and further relief as this Honorable Court shall deem meet and just.

Plaintiff,
By His Attorney,

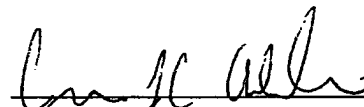
Robert F. McNelis, Esquire



Robert F. McNelis, Esq.

VERIFICATION

I, Irvin J. Alcindor, being duly sworn, say on oath that I have read the foregoing VERIFIED COMPLAINT, that I know the allegations of said VERIFIED COMPLAINT filed herein to be true, accepting those matters stated on the information and belief and as to those matters we believe the same to be true.


Irvin J. Alcindor

Subscribed and sworn to me before me at Providence, Rhode Island on this
25 day of July 2013.

J. Chevette


Notary Public

MCE: 7-12-17

AFFIDAVIT OF RONALD GAUTHIER

Under the pains and penalties of perjury I Swear to the following:

My name is Ronald Gauthier

I am a title examiner for real estate records in the State of Rhode Island.

I have been researching land evidence records for the last forty years and concluded for attorneys and title companies over 10,000 titles over my career.

I have researched, completed and concluded a title examine for property located at 160 North Bend Street, Pawtucket, RI up until June 28, 2013 at 5:00 p.m.

I have concluded that no mortgage in favor of Wells Fargo exists on title.

The only mortgages that do exist on title are Citizens Mortgage Corporation dated April 2, 2003 and recorded on April 3, 2003 for \$147,600.00 assigned in book 3493, page 340 to the bank of New York Mellon F/K/A The Bank of New York as Successor to JP Mortgage Chase Bank, National Association as Successor to Bank One, National Trustee for Credit Suisse First Boston, Mortgage Pass- through certificates, Series 2003-29

Mortgage to Citizens Mortgage Corporation dated April 2, 2003 and recorded April 3, 2003.

There is no mortgage in favor to Wells Fargo on title for property located at 160 North Bend Street, Pawtucket, RI and no assignment of mortgage from any mortgagor to Wells Fargo Bank.

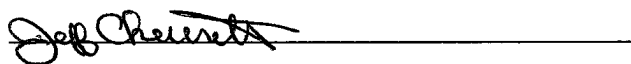


Ronald Gauthier

State of Rhode Island

County of Providence

Sign and Sworn before me this day appeared Ronald Gauthier, personally known to me, to be his free act and deed.



Notary Public

My Comm Expires: 7/12/17